Chandka

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

CHAMBER SUMMONS NO. 1912 OF 2007
IN
SUIT NO. 1905 OF 1985

Nityanand S. Arurkar & Anr. ..Plaintiffs

versus

Venkatesh N. Kamath & Ors. ..Defendants

Mr. N. V. Moye for the Plaintiffs.

Mrs. S. N. Kadam i/b. M.s. Gole & Co. for the Defendants.

CORAM : S. A. BOBDE, J.
DATE : 11TH DECEMBER, 2007.

P.C.

. Heard.

2. This Chamber Summons is taken out for setting aside the abatement of the suit and for deleting the name of the defendant No.2 who has expired. Learned counsel for the Plaintiffs is correct in submitting that the heirs of the defendant No.2 are already on record and therefore the suit could not be treated to have been abated. Hence, the abatement of the suit is hereby set aside

and the suit is restored for hearing. Plaintiffs are allowed to amend the plaint as prayed in the Schedule. Amendment to be carried out within a period of four weeks from today. Chamber Summons is disposed of accordingly.

(S. A. BOBDE, J.)